

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

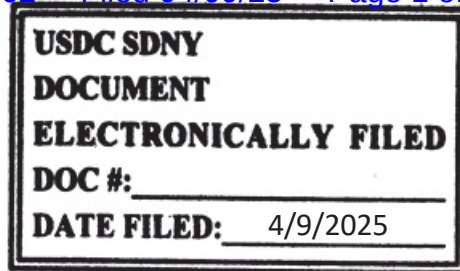
Donna Lamour,

Plaintiff,

-against-

Thomas Musarra, SVP, Noel Quinne, Colin
Bell and Attorneys Nelissa A. Sposato, Esq.,

Defendants.



1:24-cv-00903 (JGLC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Pending before the Court is Defendants' March 28, 2025 Letter Motion for a stay of discovery pending resolution of Defendants' motion to dismiss the Amended Complaint. (3/28/25 Letter Mot., ECF No. 58.) As of the date of this Order, the Court has not received any response from Plaintiff. For the reasons set forth below, Defendants' Letter Motion is GRANTED.

Plaintiff filed this action on January 31, 2024 asserting claims arising from a state court foreclosure judgment. (Compl., ECF No. 1.) Defendants moved to dismiss and moved for a stay of discovery pending decision on the motion to dismiss. (See Mot. to Dismiss, ECF No. 8; 9/5/24 Letter Mot., ECF No. 21.) The Court granted the motion to stay on September 19, 2024. (9/19/24 Order, ECF No. 27.) On November 26, 2024, this Court issued a Report & Recommendation recommending that the Complaint be dismissed for lack of subject matter jurisdiction and that Plaintiff be granted leave to amend to the extent she could assert a plausible claim that did not require the Court to review, amend or reverse the foreclosure judgment. (11/26/24 R&R, ECF No. 44.) District Judge Clarke adopted the R&R on February 13, 2025. (Op. & Order, ECF No. 51.)

Plaintiff filed an amended pleading on March 7, 2025 and Defendants filed a motion to dismiss on March 26, 2025. (*See* Affs., ECF Nos. 53 & 54; Second Mot. to Dismiss, ECF No. 55.)

Under Federal Rule of Civil Procedure 26(c), “[a] court has discretion to stay discovery during the pendency of a motion to dismiss upon a showing of good cause.” *Trustees of New York City Dist. Council of Carpenters Pension Fund v. Showtime on Piers LLC*, No. 19-CV-07755 (VEC), 2019 WL 6912282, at *1 (S.D.N.Y. Dec. 19, 2019) (citing Fed. R. Civ. P. 26(c)(1)). “The filing of a motion to dismiss does not itself constitute ‘good cause,’ and courts have considerable discretion in determining whether a stay is warranted.” *Press v. Primavera*, No. 21-CV-10971 (JLR), 2022 WL 17736916, at *1 (S.D.N.Y. Dec. 16, 2022). “In determining whether good cause exists, courts consider: (1) whether a defendant has made a strong showing that the plaintiff’s claim is unmeritorious; (2) the breadth of discovery and the burden of responding to it; and (3) the risk of unfair prejudice to the party opposing the stay.” *Id.*

Applying these factors, the Court finds that a stay of discovery is warranted for the same reasons as the first stay was warranted. (*See* Order at 9/19/24 Order at 2-3; *see also* 3/28/25 Letter Mot. at 2.) The Court previously found that it lacked subject matter jurisdiction over this action and Defendants assert that the amended pleading again asks the Court to review, amend or reverse the foreclosure judgment. (3/28/25 Letter Mot. at 2.) Because Defendants have presented strong arguments for dismissal of the entire action, the first factor weighs in favor of a stay. With respect to the second factor, the Court again finds that discovery likely would be burdensome and proceeding with discovery while the second motion to dismiss is pending would waste resources and place an undue burden on Defendants. (*See* 9/19/24 Order at 2; 3/28/25 Letter Mot. at 2 (discussing Plaintiff’s numerous Requests to Admit).) Finally, the Court again finds

that staying discovery will not unfairly prejudice Plaintiff as the second motion to dismiss is pending and any stay will last a short period. (*See* 9/19/24 Order at 3 (citing cases); 3/28/25 Letter Mot. at 2 (same).) Thus, the third factor also weighs in favor of a stay.

For these reasons, the Court finds that all three relevant factors weigh in favor of granting a stay. Accordingly, it is hereby Ordered that Defendants' motion to stay (ECF No. 58) is GRANTED and discovery in this action is STAYED pending the Court's disposition of the pending motion to dismiss. As a courtesy, Chambers shall email a copy of this Order to Plaintiff at leadingedge8@gmail.com.

SO ORDERED.

DATED: New York, New York
April 9, 2025



STEWART D. AARON
United States Magistrate Judge